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19 NANCY ZAYED

20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA

22 NANCY ZAYED, an individual,

23 Plaintiff,

24 v.

25 APPLE COMPUTERS, a corporation doing  
26 business in California; DAVID BLACK, an  
27 individual, and DOES 1-50, inclusive,

28 Defendants.

Case No. C-04-1787

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO ALLOW PLAINTIFF TO  
FILE A SECOND AMENDED  
COMPLAINT, CHANGE TIME  
REGARDING SUMMARY  
JUDGMENT FILING, AND FOR  
ADDITIONAL PAGES FOR  
SUMMARY JUDGMENT MOTION  
AND OPPOSITION THERETO**

**LOCAL RULE 6-2**

\*\*\*MODIFIED BY THE COURT\*\*\*

THE PRELIMINARY  
PRETRIAL/TRIAL SET  
CONFERENCE IS CONTINUED TO  
MON. MARCH 20, 2006 AT 11AM

1 The parties hereto, and their undersigned counsel, hereby stipulate as follows:

2 WHEREAS the plaintiff has stated that she will request leave to file the Second  
3 Amended Complaint containing 12 claims for relief, attached hereto as Exhibit A;

4 WHEREAS without waiving any objection they may have to the Second Amended  
5 Complaint, and subject to the Court's approval of all provisions of this Stipulation, defendants  
6 will not object to plaintiff's request for leave to file the Second Amended Complaint attached  
7 hereto as Exhibit A;

8 WHEREAS the Court previously entered a Scheduling Order in this case on  
9 February 1, 2005;

10 WHEREAS the Scheduling Order sets November 28, 2005 as the final date to hear  
11 dispositive motions, and according to the local rules, the last date to file a dispositive motion is  
12 October 24, 2005;

13 WHEREAS it would cause defendants unwarranted prejudice to attempt to file a  
14 summary judgment motion before having sufficient time to analyze and answer plaintiff's Second  
15 Amended Complaint;

16 WHEREAS due to the number of issues that will be addressed in the parties'  
17 summary judgment briefs (including 12 claims for relief), the parties agree that they should be  
18 permitted an additional five (5) pages in addition to the length permitted by Local Rules 7-2 and  
19 7-3 in their respective memoranda of points and authorities which will be filed in relation to  
20 Defendants' motions for summary judgment.

21 WHEREAS discovery closed on October 3, 2005;

22 WHEREAS no trial date has yet been set by the Court;

23 WHEREAS the Parties agree that although discovery in this case has proceeded,  
24 the parties have not yet conducted expert discovery pursuant to the Court's July 22, 2005  
25 modification to its February 1, 2005 Scheduling Order;

26 WHEREAS the Parties believe that extending the expert witness deadlines set  
27 forth in the Court's July 22, 2005 Order until after the Court rules on the parties' dispositive  
28 motions will be conducive to the efficient and expedient conduct of this litigation and will serve

1 the ends of justice and avoid unnecessary costs; and

2 WHEREAS the Parties have previously requested one time modification to the  
3 Scheduling Order deadlines set by the Court to extend the expert witness deadlines,

4 NOW THEREFORE, IT IS AGREED AS FOLLOWS:

5 1. Plaintiff shall be permitted leave to file the Second Amended Complaint  
6 attached hereto. The Second Amended Complaint shall be deemed filed on the date this Order is  
7 entered.

8 2. The deadlines set forth in the Court's February 1, 2005, Scheduling Order  
9 shall be modified as follows:

- 11 (a) the last day for the Court to hear dispositive motions is February 6,  
12 2006;
- 13 (b) the deadline to disclose expert witnesses pursuant to F.R.C.P. 26(a)  
14 is March 20, 2006;
- 15 (c) the deadline to disclose rebuttal expert witnesses is April 3, 2006;
- 16 (d) the hearing deadline for motions objecting to the qualifications or  
17 proposed testimony of any expert is May 27, 2006;
- 18 (e) The discovery deadline is extended to May 1, 2006, as to expert  
19 discovery only, and discovery shall remain closed for all non-expert  
20 discovery.

(f) The Preliminary pretrial/trial set conference is reset to Mar.20,2006@11am

21 3. The parties shall be permitted an additional five (5) pages in addition to the  
22 length permitted by Local Rules 7-2 and 7-3 in their respective memoranda of points and  
23 authorities which will be filed in relation to Defendants' motions for summary judgment.

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4. This Stipulation shall be made an Order of the Court.

Dated: October 17, 2005

LYNNE C. HERMLE  
JOSEPH C. LIBURT  
JESSICA R. PERRY  
ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/

Jessica R. Perry  
Attorneys for Defendants  
Apple Computer, Inc. and David Black

Dated: October 17, 2005

WAUKEEN Q. MCCOY, ESQ.  
LAW OFFICES OF WAUKEEN Q. MCCOY

/s/

Rachael Orejana  
Attorneys for Plaintiff  
Nancy Zayed

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Oct. 19, \_\_\_\_\_, 2005

  
Hon. James Ware  
UNITED STATES DISTRICT JUDGE